

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAMON ARMOND HARTLEY,)

Plaintiff,)

vs.)

Case No. 4:07CV1518 CDP

ALBERTO R. GONZALES, et al.,)

Defendants.)

ORDER

This matter is before me because of a number of issues. Currently pending are plaintiff Damon Armond Hartley's motion for a temporary restraining order, motion to modify the case management order, and request for production of documents. I will deny all of these motions. After analyzing Hartley's request for a temporary restraining order under the factors outlined in Dataphase Sys. Inc. v. CL Sys., Inc., 640 F.2d 109, 113 (8th Cir. 1981), I find that he is not entitled to relief. I will also deny his request to modify the case management order.

Hartley's last request appears to be moot. Defendants have indicated that the documents were returned to them because the package they sent weighed greater than one pound and that they have repackaged the documents and resent them to plaintiff.


This case is also before the Court on my own motion. Plaintiff has not

served defendant **Herman Carter** in a timely manner. This Court has done everything in its power to help effectuate service on Carter. I required the defendants to provide the Court with Carter's last known address and the Marshals have attempted to serve Carter twice. Although I understand that Hartley does not have the ability to investigate Carter's address while incarcerated, this case must proceed in a timely manner. As a result, I will order Hartley to show cause why defendant Carter should not be dismissed.

Accordingly,

IT IS HEREBY ORDERED that plaintiff Damon Armond Hartley's motion for a temporary restraining order [#33], motion to modify the case management order [#38], and request for production of documents [#40] are denied.

IT IS FURTHER ORDERED that plaintiff shall show cause in writing, within fourteen (14) days of the date of this order, why this action should not be dismissed without prejudice as to defendant **Herman Carter** for lack of timely service.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of June, 2008.